March 25, 2013

Advisory Opinion 13-03-002

Beryl Feinberg
Deputy Director/Chief Operating Officer
Department of General Services

Thank you for your request for prior approval of outside employment with the Rockville City Council, to which you seek to be elected.  The Commission is combining its determination on your request with this advisory opinion.
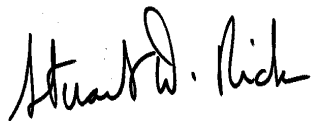
Under the Montgomery County Charter, no officer or employee of the County shall be prohibited from participating in politics or political campaigns.  However, when engaging in these activities, County officers and employees must continue to fulfill their obligations to the County. In this regard, section 19A-12(b)(2) of the Montgomery County Ethics Law provides that an employee cannot "hold any employment relationship that could reasonably be expected to impair the impartiality and independence of judgment of the public employee."  In order to ensure your compliance with this provision, we advise that for such time as you are running or holding office with the City of Rockville, you avoid working on any matter that comes before you as a County employee where the City of Rockville is a party to, or has a significant interest in, the matter.

Your request for prior approval of outside employment with the Rockville City Council is granted, with this condition. [1]

Finally, the Montgomery County personnel regulations at 3-8 provide guidance on political activity which you may find useful.

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[1] The Commission notes that in your request, you said "[s]hould any issues arise, I would recuse myself from any vote on the City council for such item."  We understand this to mean you would recuse from City council matters in which the County is a party or has a substantial interest. Your doing that is separate from your obligation to recuse under Section 19A-12(b)(2).

Sincerely,

Stuart Rick
Chair


*Redacted Copy for Ethics Commission publication is attached.*